



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Draft Agenda

June 21, 2021

MEETING INFORMATION

LOCATION*

Livestream at:
http://cityofno.granicus.com/viewPublisher.php?view_id=2

Or if the Governor's emergency declaration is no longer in effect:

City Council Chambers

City Hall (1st Floor)
1300 Perdido Street
New Orleans, LA 70112

TIME

10:00 a.m.

BOARD MEMBERS

Candice M. Forest – Chair
Todd C. James – Vice Chair
Tamara Agins
José Alvarez
Jaime Ramiro Diaz
Alfonso Gonzalez II
Matthew Rufo

The general public cannot speak with the members personally.

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The Board of Zoning Adjustments hereby certifies that it will convene a meeting on June 21, 2021 electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(c) if the Governor's emergency declaration is still in effect (*otherwise, the meeting will be held in City Council Chambers, City Hall, 1300 Perdido Street*).

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The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 4 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **July 1, 2021**

GENERAL RULES OF ORDER

Robert's Rules of Order govern the conduct of the meeting. In light of the virtual meeting format, any member of the public may provide written comment via a digital speaker card, in lieu of spoken public comment, during the meeting not to exceed two (2) minutes on any matter before the Board. A moderator will read comments into the record. The digital speaker card will be available the morning of the meeting on the City's website: <https://nola.gov/city-planning/announcements/>

APPEALS

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

PUBLIC COMMENT

Should you wish to view an application you may do so online at onestopapp.nola.gov. The requested waivers are subject to change prior to the hearing. Written comments on any of the matters included on the agenda are accepted in the following ways:

- Email (**preferred**): CPCinfo@nola.gov or the planner listed on the agenda
- Mail: 1300 Perdido Street, Room 7W03, New Orleans, Louisiana 70112

All written correspondence should include the docket number and be made to the attention of the assigned planner or the staff of the Board of Zoning Adjustments. The deadline for receipt of public comment for transmittal to the Board in advance of the meeting is **no later than 5:00 p.m. on Monday, June 14, 2021.**

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules

Special Public Hearing Rules for Board of Zoning Adjustments Hearings held via Video Conference

- A. **Order of Business.** The order of business at the hearing shall be as follows:
- a. Call to order and roll call, with recording of members present.
 - b. Approval of Minutes
 - c. Reading and Adoption of the Hearing Rules
 - d. Presentation of Dockets.
 - i. Staff Presentation
 - ii. Applicant Presentation
 - iii. Questions from Members
 - e. Recess for 30 minutes
 - f. Consideration of Dockets
 - i. Public Comment
 - ii. Rebuttal by Applicant
 - iii. Questions from Members
 - iv. Voting
 - g. Adjournment
- B. **Presentation of Dockets.** The order of business for each docket shall be as follows:
- a. **Presentation by the City Planning Commission staff or the Department of Safety and Permits staff;**
 - b. **Presentation by the Applicant or their representative;** The appellant or applicant may appear on their behalf or be represented by a duly authorized agent. Only one representative may speak on behalf of a request and must pre-register with the staff of the City Planning Commission. Other representatives or speakers may sign up to provide comments during the public comment portion of the meeting. The applicant shall be allowed a maximum of five (5) minutes.
 - c. **Questions from Members.** The members have an opportunity to ask questions of the staff or applicant.
- C. **Recess.** The Board shall take a 30-minute recess to allow members of the public to submit comments.
- D. **Public Comment.**
- a. **Rules.** Only written public comment will be allowed. Live public comment will not be allowed. No member of the public may submit more than one written comment per agenda item.
 - b. **Time allowed for public comment.** The public comment form will be made available at the start of the meeting and will close at the end of the 30-minute recess.
 - c. **Form.** Public comments must be submitted electronically on the form provided by the City Planning Commission. Any comment missing this information will not be read aloud. Each submission must contain:
 - i. The commenter's first and last name,
 - ii. The commenter's address,
 - iii. Whether the commenter is being paid in connection with his or her comments,
 - iv. The agenda item
 - d. **Reading of Public Comments.** A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules.

Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.

- E. **Rebuttal by Applicant.** Following the public comment period, if there is opposition the authorized representative of the application is allowed a rebuttal not to exceed five (5) minutes.
- F. **Questions from Members.** Following the public comment and rebuttal, the members have an opportunity to ask questions of the staff or applicant.
- G. **Voting.**
 - a. **Making a motion.** The member making a motion shall clearly state their name when making a motion. For example, “I, (insert name), move to approve/deny/ the request.”
 - b. **Seconding a motion.** The member seconding a motion shall clearly state their name when seconding the motion. For example, “I, (insert name), second the motion made by (other member).”
 - c. **Statement by Chair.** The chair will restate the motion, confirming who made and seconded the motion.
 - d. **Voting.** The chair will request a verbal vote from each member by roll call. Each member will indicate “Yea” to vote in support of the motion, or “Nay” to vote in opposition.

Item 3 – Docket Number: 045-21

Applicant or Agent: Andrew Associates LLC, Valerie B. Marcus, Kenneth Gowland
Property Location: 3401 St. Charles Avenue **Zip:** 70115
Bounding Streets: St. Charles Ave., Delachaise St., Carondelet St., Louisiana Ave.
Zoning District: HU-MU Historic Urban Neighborhood Mixed-Use District
Historic District: Garden District, Saint Charles Avenue **Planning District:** 2
Existing Use: Vacant Building **Square Number:** 424
Proposed Use: Mixed-Use **Lot Number:** PMG, A-B, Pt. E,
Project Planner: Joseph A. Colón (jacolon@nola.gov)

Request: This request is for a variance from the provisions of Article 12, Section 12.3.A.1 (Table 12-2) of the Comprehensive Zoning Ordinance to permit a mixed-use development (multi-family/commercial) with excessive building height.

Requested Waiver:

Article 12, Section 12.3.A.1 (Table 12-2) – Maximum Building Height

Permitted: 40 ft/3 stories Proposed: 65 ft/5 stories Waiver: 25 ft/2 stories

B. Unfinished Business – Variances (Automatically Deferred from May 17 Meeting)

Item 4 – Docket Number: 046-21

Applicant or Agent: J’Reaux Ventures LLC, John Romant
Property Location: 5651 West End Boulevard **Zip:** 70124
Bounding Streets: West End Blvd., 1-10 Hwy., Catina St., Homedale Ave.
Zoning District: S-LRS1 Suburban Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 428
Proposed Use: Single-Family Residence **Lot Number:** 19-A
Project Planner: Joseph A. Colón (jacolon@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient front yard setback and insufficient rear yard setback.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard

Required: 20 ft Proposed: 10 ft Waiver: 10 ft

Article 13, Section 13.3.A.1 (Table 13-2) – Rear Yard

Required: 20 ft Provided: 0 ft Waiver: 20 ft



Item 5 – Docket Number: 047-21

Applicant or Agent: Stephen W. Davidson, Jessica H. Davidson
Property Location: 3 Flamingo Street **Zip:** 70124
Bounding Streets: Flamingo St., Robert E. Lee Blvd., Geranium Ln., Floral Park St.
Zoning District: S-LRS2 Suburban Lake Vista and Lake Shore Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Single-Family Residence **Square Number:** 33
Proposed Use: Single-Family Residence **Lot Number:** 3, 4, 5
Project Planner: Sabine E. Lebailleux (selebailleux@nola.gov)

Request: This request is for a variance from the provisions of Article 21, Section 21.6.EE.1 of the Comprehensive Zoning Ordinance to permit a swimming pool in the front yard.

Requested Waiver:

Article 21, Section 21.6.EE.1 – Swimming Pool Location

Required: Required rear or interior side yard

Proposed: Front yard

Waiver: Front yard



Item 6 – Docket Number: 048-21

Applicant or Agent: Bayou District Foundation, Vann Joines
Property Location: 1543 Sere Street **Zip:** 70122
Bounding Streets: St. Dennis St., Paris Ave., Sere St., Hamburg St.
Zoning District: S-RD Suburban Two-Family Residential District
Historic District: N/A **Planning District:** 4
Existing Use: Vacant Lot **Square Number:** 2481
Proposed Use: Single-Family Residence **Lot Number:** A
Project Planner: Rachael Berg (rberg@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) to permit the construction of a single-family residence with insufficient permeable open space and insufficient front yard setback.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Permeable Open Space

Required: 40% Proposed: 33% Waiver: 7%

Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard Setback

Required: 20 ft Proposed: 6 ft, 3 ¼ in Waiver: 13 ft, 8 ¾ in



Item 7 – Docket Number: 049-21

Applicant or Agent: Five S Properties, LLC
Property Location: 2218 Poydras Street **Zip:** 70119
Bounding Streets: Poydras St., S. Tonti St., Lafayette St., S. Galvez St.
Zoning District: MU-2 High Intensity Mixed-Use District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Building **Square Number:** 530, 545
Proposed Use: Restaurant, Carry-Out **Lot Number:** 1-A, 2-A
Project Planner: Joanna B. Farley (jbfarley@nola.gov)

Request: This request is for a variance from the provisions of Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit a carry-out restaurant with insufficient off-street parking spaces.

Requested Waiver:**Article 22, Section 22.4.A (Table 22-1) – Parking Spaces**

Required: 33 spaces

Proposed: 17 spaces

Waiver: 16 spaces

C. Unfinished Business – Director of Safety and Permits Decision Appeals**Item 8 – Docket Number: 038-21**

Applicant or Agent: Kinney, Ellinghausen & DeShazo et al.
Property Location: 200 Henry Clay Avenue **Zip:** 70118
Bounding Streets: Henry Clay Ave., Tchoupitoulas St., Exposition Dr., Leake Ave.
Zoning District: MC Medical Campus District
Historic District: Uptown **Planning District:** 3
Existing Use: Subject of Appeal **Square Number:** 3-6
Proposed Use: Heliport **Lot Number:** C

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the issuance of Building Permit No. 19-38455-RNVS.

**Item 9 – Docket Number: 039-21**

Applicant or Agent: Kinney, Ellinghausen & DeShazo et al.
Property Location: 200 Henry Clay Avenue **Zip:** 70118
Bounding Streets: Henry Clay Ave., Tchoupitoulas St., Exposition Dr., Leake Ave.
Zoning District: MC Medical Campus District
Historic District: Uptown **Planning District:** 3
Existing Use: Subject of Appeal **Square Number:** 3-6
Proposed Use: Heliport **Lot Number:** C

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the issuance of Building Permit No. 17-33606-NEWC.

D. New Business – Variances**Item 10 – Docket Number 053-21**

Applicant or Agent: Valerie E. Edwards, Aleria M. Perry, Alexander Adamick
Property Location: 2332 Terpsichore Street **Zip:** 70113
Bounding Streets: Terpsichore St., Lasalle St., Felicity St., Freret St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Lot **Square Number:** 354
Proposed Use: Single-Family Residence **Lot Number:** X
Project Planner: Robin Jones (rcjones@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 13-2A), Article 21, Section 21.6.AA.1, and Article 22, Section 22.8.D of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient interior side yard back, excessive encroachment of uncovered steps, and insufficient parking space depth.

Requested Waivers:**Article 11, Section 11.3.A.1 (Table 11-2A) – Interior Side Yard Setback**

Required: 3 ft Proposed: 2 ft, 6 in Waiver: 6 in

Article 21, Section 21.6.AA.1 – Porches and Steps and Stoops Setback

Required: 2 ft Proposed: 4 ¾ inches Waiver: 1 ft, 7 ¼ in

Article 22, Section 22.8.D – Access Requirements for Off-Street Vehicle Parking Areas

Required: 18 ft Proposed: 16 ft Waiver: 2 ft

**Item 11 – Docket Number 054-21**

Applicant or Agent: Misty H. Alexander, Schumacher Homes of Louisiana
Property Location: 5735 Chamberlain Drive **Zip:** 70122
Bounding Streets: Chamberlain Dr., Burbank Dr., Chatham Dr., Prentiss Ave.
Zoning District: S-RS Suburban Single-Family Residential District
Historic District: N/A **Planning District:** 6
Existing Use: Vacant Lot **Square Number:** 11
Proposed Use: Single-Family Residence **Lot Number:** 5
Project Planner: Haley Delery (hdelery@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient interior side yard setbacks.

Requested Waivers:**Article 13, Section 13.3.A.1 (Table 13-2) – Interior Side Yard Setback**

Required: 6 ft Proposed: 3 ft Waiver: 3 feet

Article 13, Section 13.3.A.1 (Table 13-2) – Interior Side Yard Setback

Required: 6 ft Proposed: 3 ft Waiver: 3 feet

